IN THE HIGH COURT OF DELHI

BAIL APPLICATION No. 2108/2007

# !	Avnish Tyagi	.....	Petitioner
	VERSUS		
$ ^	State	.....	Respondent

BAIL APPLICATION No. 2109/2007

# !	Sh. Gajendra Singh Tyagi	.....	Petitioner
	VERSUS		
$ ^	State	.....	Respondent

BAIL APPLICATION No. 2110/2007

# !	Bimla Tyagi	.....	Petitioner
	VERSUS		
$ ^	State	.....	Respondent

through: Mr. Tanveer Ahmed Mir, Advocate for the petitioners.
Mr. Ranjit Kapur, Advocate for the State.
Mr. Anil K.Tyagi and Mr. H.K.Singh, Advocates for the complainant.

% DATE OF DECISION: 10.10.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether judgment should be reported in Digest?
: **PRADEEP NANDRAJOG, J.**

FIR No. 13/2007 dated
U/S. 498A/406/34 IPC
PS: Binda Pur.

1. Petitioners are the husband, father-in-law and mother-in-law of the complainant Shaili Tyagi. They seek pre-arrest bail in aforenoted FIR.

2. Allegations in the FIR are that on 16.11.2005 after engagement ceremony was held, the in-laws demanded a luxury care like 'Honda City' or 'Baleno'. That parties got married on 3.2.2006. A Maruti Esteem car was given in dowry apart from cash in sum of Rs.2.51 lacs. That the young couple proceeded to Goa for honeymoon. Entire jewellery was entrusted to the mother-in-law. That on return from Goa, when complainant requested her mother-in-law to hand over the jewellery it was refused. That mother-in-law said that jewellery would be returned if she got money from her father. That on 12.2.2006, the father-in-law, mother-in-law, brother-in-law, sister-in-law and maternal uncle of her husband told her that because she had travelled by air plane for the honeymoon should get Rs.5 lacs from her father. That dowry harassment continued. That when it became unbearable for her, the complainant had to leave the matrimonial house.

3. I note that in the complaint entire family of the in-laws has been roped in. Even a maternal uncle of the husband has been roped in. Brother-in-law, sister-in-law, just about everybody.

4. According to the petitioners, complainant left the matrimonial house due to temperamental differences and on 4.9.2006 she took along with her the jewellery articles. As regards electronic goods and other house hold furniture, petitioners admit what is alleged by the complainant as part of her dowry. They state that they have been offering the same to the complainant but she has been refusing to receive the same.

5. Photographs have been shown to me by the petitioners evidencing that the electronic, electrical and other articles brought by the complainant are still lying in the original packed condition in their house.

6. ASI Mahender Singh, the investigating officer who is present, on viewing the photographs, states that photographs correctly reveal that the electrical, electronic utensils and other articles of dowry taken by the complainant to her matrimonial house are still lying packed and sealed in the original cartons.

7. On photographs being shown to her, the complainant also admits that each and every gift item, dowry item, be it an electrical item, be it an electronic item, be it cooking utensils etc. are lying packed in the original packaging in her matrimonial

house.

8. In relation to the photographs of a Godrej Almirah having a storewell, it is urged by learned counsel for the petitioners that the jewellery was kept by the complainant in the storewell. Her clothes with covers thereon were hung on hangers on the rod. The photographs shown to the court evidence that the clothes of the complainant have been kept on hangers with covers thereon.

9. The investigating officer, on seeing the photographs, states that the photographs in question correctly reveals the factual situation in the house.

10. Complainant admits that the Godrej Almirah was and continues to be in her bedroom.

11. As regards the Maruti Car, petitioners state that no demand for any car was made. The complainant is free to take possession thereof.

12. The position which emerges is that all dowry articles save and except clothes and jewellery continue to remain in the matrimonial house in a sealed condition and in the original cardboard cartons.

13. This gives a clue that probably nothing went right between the parties from the very beginning. The gift items were not even unpacked by the young couple.

14. Pertaining to the jewellery of the complainant, the matter would need trial on the issue whether the jewellery remained entrusted to her mother-in-law or was kept in the storewell by the complainant and she removed the same when she left the matrimonial house.

15. Prima facie, allegations pertaining to dowry harassment have to be taken with a pinch of salt for the reason, even what was brought by the complainant at the time of the marriage and I note that the articles are substantial, have not even been touched by her in-laws.

16. As noted hereinabove, the young couple did not even unpack the gifts which they had received. It evidences the marriage turning sour from the very beginning.

17. I may note that according to the petitioners the young bride could not reconcile the ill timed working hours of her husband who is employed in the hospitality industry i.e. 'Hotel Claridges' and due to exigencies of work, many a time, returns home in the mid night between 1 AM to 3 AM.

18. Before concluding, I may note that virtually every member of the family of the in law, including a maternal uncle has been implicated. The FIR is a usual story of all such FIRs where just about every member of the family of the in-laws is implicated.

19. Under the circumstances, I am of the opinion that case

is made out to grant anticipatory bail to the petitioners.

20. I dispose of the petition directing that in the event of being arrested by the IO, petitioners would be released on bail on their furnishing a personal bond in sum of Rs. 15,000/- each with one surety each in the like amount to the satisfaction of the IO in the above captioned FIR.

21. Needless to state, petitioners would join investigation as and when required by the IO.

22. Dasti.

October 10, 2007 **PRADEEP NANDRAJOG, J.**
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